

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

In re:

JOHN DINASO & SONS, INC.,

Debtor.

Chapter 7

Case No. 14-41264 (CEC)

GREGORY MESSER, AS CHAPTER 7
TRUSTEE OF THE ESTATE OF JOHN
DINASO & SONS, INC.,

Plaintiff,

v.

AMERICAN EXPRESS COMPANY, INC.,

Defendant.

Adv. Pro. No. 15-01018 (CEC)

**JOINT DISCOVERY PLAN PURSUANT TO
RULE 7026(f) OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE**

Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure (“Federal Rules”), applicable in this adversary proceeding under Rule 7026 of the Federal Rules of Bankruptcy Procedure (“Bankruptcy Rules”), on March 24, 2014, counsel for Gregory Messer, as Trustee of the estate of John DiNaso& Sons, Inc. (“Plaintiff”) and counsel for defendant American Express Company (“Defendant”) conferred for the purposes of preparing a Joint Discovery Plan, and the parties have agreed as follows:

1. Initial disclosures required under Federal Rule 26(a)(1) shall be served by April 17, 2015.
2. Fact discovery will conclude on or before June 30, 2015.

3. Each party's expert reports, if any, pursuant to Rule 26(a)(2) of the Federal Rules, shall be served no later than July 15, 2015. Any rebuttal expert reports shall be served no later than August 15, 2015.
4. Dispositive motions shall be filed by not later than September 15, 2015, or shall be deemed waived.
5. Plaintiff and Defendant request that a second pretrial conference be set for a date after July 15, 2015 to address the potential narrowing of issues in dispute.
6. Plaintiff and Defendant anticipate that each shall require one (1) day to present all of their evidence and argument at trial.
7. The parties shall submit a joint pre-trial order at least two (2) weeks prior the trial date.
8. The parties further respectfully request that they be permitted to amend this discovery plan by agreement or by application to the Court.

Dated: March 25, 2015
New York, New York

Robinson Brog Leinwand Greene Genovese &
Gluck, P.C.
Counsel to Plaintiff

By: /s/ Lori A. Schwartz
Fred B. Ringel
Lori A. Schwartz
875 Third Avenue
New York, NY 10022
(212) 603-6300

Dated: March 25, 2015
Atlanta, Georgia

Arnall Golden Gregory LLP
Counsel to Defendant

By: /s/ Darryl S. Laddin
Darryl S. Laddin
171 17th Street NW, Suite 2100
Atlanta, Georgia 30363
(404) 873-8120